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Jin Soo Lee

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KED & ASSOCIATES, LLP

P.O. Box 221200

Chantilly, VA 20153-1200

EXAMINER

SCHNURR, JOHN R

ART UNIT

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2421

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/025,920	Applicant(s) LEE, JIN SOO	
	Examiner JOHN SCHNURR	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6,8-11,13 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,8-11,13 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Amendment After Non-Final Rejection filed 09/09/2009. Claims 1, 3, 4, 6, 8-11, 13 and 22-24 are pending and have been examined.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3, 4, 6, 8-11, 13 and 22-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1, 3, 4, 6, 8, 13 and 22-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Inoue et al. (US 7,003,790 B1)**, herein Inoue, in view of **Berezowski et al. (US 2002/005687 A1)**, herein Berezowski.

Consider **claim 1**, Inoue clearly teaches an apparatus for calculating an audience rating using an interactive television, the apparatus comprising:

a receiver for receiving contents; (**Fig. 1 antenna 6A, column 4 lines 29-32**)

a controller for providing contents to a user and for controlling interactive data transfer; (**Fig. 2: CPU 22 receives user input and outputs the selected channel, column 4 lines 52-67.**)

a user history recorder for saving information on a user's action on a corresponding content under control of the controller, (**Fig. 2: CPU 22 stores audience rating data on RAM 23, column 6 lines 6-15.**) the user

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history recorder including a consumption type recorder for segmenting a user's consumption type on content and for saving the segmented behavior, **(Audience rating data D4 is made up of segments of selected programming, column 9 lines 20-35.)** and a consumption behavior recorder for recording a user's consumption behavior on each section according to the user's action made on different sections while using content; **(Figs. 7A and 7B: Additional information is assigned to sample data 166, this information includes user actions, column 9 line 54 to column 10 line 22.)** and

a data transmitter for transmitting at least one of the consumption type and the consumption behavior information recorded in the user history recorder every cycle or upon a requesting, **(Fig. 2: Modem 26 sends the collected audience rating data to the totalization center 8 each day, column 4 lines 37-44.)**

wherein the consumption type recorder comprises:

a recording record area for recording relevant information and frequency thereof regarding when the user records the content, **(Sample data 166 includes information indicating each time the user records a program and time information of the event, column 9 line 54 to column 10 line 22.)**

a back-up saving record area for recording relevant information and frequency thereof regarding when the content is saved in an external storage besides a receiver, **(The content is recorded to an external device, column 6 lines 49-55.)**

a skipped record area for recording section information regarding a skipped action made on the content, the skipped record area stores a section start/end information or a section start/length information according to the skipped action, and a frequency of the skipped action based on the section start/end information or the section start/length information. **(When the viewer is displaying the EPG the totalization center 8 interprets this as a skipped section, this must include start/end or start/length information to identify the commercial or program, co1.17, lines 57-62)**

However, Inoue does not explicitly teach the consumption behavior recorder comprises:

a normal finish record area for recording information regarding whether the user has viewed the entire content to an end at a normal speed,

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wherein the normal finish record area stores a flag value according to a normal finish action, and a frequency of the normal finish action based on the flag value,

a stopped record area for recording section information regarding a stopped action made by the user during a middle of the content; the section information regarding the stopped action including a stop point indicator relative to the content, the stopped record area stores a stop point indicator according to the stopped action, and a frequency of the stopped action based on the stop point indicator,

a skimmed record area for recording section information regarding a skimmed action made on the content, the skimmed record area stores a section start/end information or a section start/length information according to the skimmed action, and a frequency of the skimmed action based on the section start/end information or the section start/length information,

wherein the stopped action, the skimmed action and the skipped action are each different actions; and

wherein the information from the normal finish area, the section information from the stopped record area, the section information from the skimmed record area and the section information from the skipped record area are transferred by the data transmitter.

In an analogous art, Berezowski, which discloses a system for measuring audience data, clearly teaches recording behaviors including:

a normal finish record area for recording information regarding whether the user has viewed the entire content to an end at a normal speed, wherein the normal finish record area stores a flag value according to a normal finish action, and a frequency of the normal finish action based on the flag value,

a stopped record area for recording section information regarding a stopped action made by the user during a middle of the content; the section information regarding the stopped action including a stop point indicator relative to the content, the stopped record area stores a stop point indicator according to the stopped action, and a frequency of the stopped action based on the stop point indicator,

a skimmed record area for recording section information regarding a skimmed action made on the content, the skimmed record area stores a section start/end information or a section start/length information according to the skimmed action, and a frequency of the skimmed action

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based on the section start/end information or the section start/length information, **(The system breaks the programs into smaller portions to maximize the granularity of the feedback, [0052]. This feedback is sent to the headend and used to create a “Portions of Programs” display which aggregates all user interactions for each portion of the program, [0086]. The user interactions include the number of times the program has been played back, stopped, and fast-forward data, [0083], [0086], [0095], [0099], [0102], [0103]. The fast-forward record must include start/end or start/length information to determine in which portion of the program the action took place.)**

wherein the stopped action, the skimmed action and the skipped action are each different actions; **(Stop, fast-forward and the skipping action of Inoue are all different actions.)** and

wherein the information from the normal finish area, the section information from the stopped record area, the section information from the skimmed record area and the section information from the skipped record area are transferred by the data transmitter. **([0054])**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Inoue by recording a normal finish, stop and a skim, as taught by Berezowski, for the benefit of collecting more accurate audience information (Berezowski [0004]-[0006]).

Consider **claim 3**, Inoue combined with Berezowski, as in claim 1, clearly teaches the user history recorder is a portable recorder like a smart card **(IC card 21 - Inoue- fig. 2, col. 5, lines 30- 33)**.

Consider **claim 4**, Inoue combined with Berezowski, as in claim 1, clearly teaches the user history recorder **(21 or memory 23, 24, 25 - fig. 2)** is installed in the interactive television **(Inoue- col. 6, lines 6-14; col. 5, lines 30-33)**.

Consider **claim 6**, Inoue combined with Berezowski, as in claim 1, clearly teaches a consumption type recorder further comprises:

a simple view record area for recording relevant information and frequency thereof regarding when a user views the content. **(Inoue- col. 9, lines 55-61; col. 9, lines 64-65 & col. 10, line 1);**

at least one of transfer record area for recording relevant information **(transmission times and section history information)** and frequency **(counts of selections)** regarding when the content is transferred to

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outside through network (**Inoue- col. 18, lines 8-18 & lines 23-26; col. 16, lines 1-6 & 16-20**).

Consider **claim 8**, Inoue combined with Berezowski, as in claim 1, clearly teaches the consumption behavior recorder comprises:

a replay record area for recording section information regarding when a rewind action is made on the content; (**[0095] Berezowski**)

a slowed record area for recording section information regarding when a slowed action is made on the content; (**Pause [0095] Berezowski**)

wherein the stopped action, the skimmed action, the skipped action, the rewind action and the slowed action are each different actions. (**Each of these actions are different actions.**)

Consider **claim 13**, Inoue combined with Berezowski, as in claim 1, clearly teaches user record information recorded in the user history recorder is transferred to the content provider if a content provider request the user record information (**Inoue- col. 15, lines 62 - col. 16, line 20**).

Consider **claim 22**, Inoue combined with Berezowski, as in claim 1, clearly teaches the skimmed record area stores information identifying a start and an end of the skimmed action. (**[0103] Berezowski**)

Consider **claim 23**, Inoue combined with Berezowski, as in claim 1, clearly teaches the skimmed record area stores information identifying a start and a length of the skimmed action. (**[0103] Berezowski**)

Consider **claim 24**, Inoue combined with Berezowski, as in claim 1, clearly teaches the skipped record area includes information identifying a start and an end of skipped action or a length of the skipped action. (**When the viewer is displaying the EPG the totalization center 8 interprets this as a skipped section, this must include start/end or start/length information to identify the commercial or program, col.17, lines 57-62**)

5. Claim **9** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Inoue et al. (US 7,003,790 B1)** in view of **Berezowski et al. (US 2002/005687 A1)**, as applied to claim 8 above, and further in view of **Hoffberg et al. (US 7,006,881 B1)**, herein Hoffberg.

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Consider **claim 9**, Inoue combined with Berezowski, as in claim 8, clearly teaches resuming a stopped program. **([0102] Berezowski)**

However, Inoue in view of Berezowski fail to disclose all previous stopped record information is deleted.

In an analogous art, Hoffberg, teaches it is desirable to provide all previous stopped record information is deleted **(deleting previously encountered event/program information so that the program/event index is correct; col. 151, lines 36-46)**.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the system of Inoue in view of Berezowski to include all previous stopped record information is deleted for the added advantage of increasing the quality of viewer analysis by providing maintenance of selection history to correctly represent user behavior (Hoffberg - col. 151, lines 44- 46).

6. Claim **10** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Inoue et al. (US 7,003,790 B1)** in view of **Berezowski et al. (US 2002/005687 A1)**, as applied to claim 1 above, and further in view of **Goldschmidt Iki et al. (US 6,184,918 B1)**.

Consider **claim 10**, Inoue combined with Berezowski, as in claim 1, clearly teaches an apparatus capable of replaying content and creating a record indicating a normal finish.

However, Inoue combined with Berezowski does not explicitly teach if the user replays the designated content at an ending part of the designated content, the action is recorded in the normal finish record area **(the user stops, rewinds and then replays a program to its end and the viewer selection history is updated to reflect the entire program has been watched; Inoue - col. 17, lines 38-40 & 43-47; Goldschmidt - col. 5, lines 30-37; col. 6, lines 13-17; it would have been obvious for the advantage of more accurately calculating overall viewer selection history)**.

In an analogous art, Goldschmidt, clearly teaches if the user replays the designated content at an ending part of the designated content, the action is recorded in the normal finish record area **(the user stops, rewinds and then replays a program to its end and the viewer selection history is updated to reflect the entire program has been watched; Inoue - col. 17, lines 38-40 & 43-47; Goldschmidt - col. 5, lines 30-37; col. 6, lines 13-17; it would have been obvious for the advantage of more accurately calculating overall viewer selection history)**.

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Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Inoue combined with Berezowski by recording an action as normal finish if the user replays the designated content at an ending part of the designated content, as taught by Goldschmidt, for the benefit of more accurately calculating overall viewer selection history.

7. Claim **11** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Inoue et al. (US 7,003,790 B1)** further in view of **Berezowski et al. (US 2002/005687 A1)**, as applied to claim 1 above, and further in view of **Yoshinari (US 5,416,693)**.

Consider **claim 11**, Inoue combined with Berezowski, as in claim 1, clearly teaches designating content as skimmed, skipped, replay and slowed. Further Inoue teaches evaluating the data.

However, Inoue combined with Berezowski does not explicitly teach the information recorded in the skimmed record area and the skipped record area is designated as record information with low attractiveness to a section of a designated content, while the information recorded in the replay record area and the slowed record area is designated as record information with high attractiveness to a section of the designated content.

In an analogous art, Yoshinari, clearly teaches the information recorded in the skimmed record area and the skipped record area is designated as record information with low attractiveness to a section of a designated content, while the information recorded in the replay record area and the slowed record area is designated as record information with high attractiveness to a section of the designated content. **Yoshinari - col. 6, lines 49-57; in which lower weight/importance is given to faster than normal speed actions, e.g., skimming and skipping, and higher weight/importance is given to slower than normal speed actions, e.g., normal payout and slow motion).**

Therefore, at the time the invention was made, it would have been obvious to one with ordinary skill in the art to modify the system of Inoue combined with Berezowski by designating the skimmed record area and the skipped record area as record information with low attractiveness and the replay record area and the slowed record area is designated as record information with high attractiveness, as taught by Yoshinari, for the benefit of assigning high importance to sections in which the viewer has greater interest.

Conclusion

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN SCHNURR whose telephone number is (571)270-1458. The examiner can normally be reached on M-F 9a-5p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRS

/Dominic D Saltarelli/
Primary Examiner, Art Unit 2421